



California Regional Water Quality Control Board

Santa Ana Region

Terry Tamminen
Secretary for
Environmental
Protection

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Arnold Schwarzenegger
Governor

July 7, 2004

Mr. Ward Benshoof
Weston, Benshoof, Rochefort, Rubalcava & MacCuish, LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071

STATUS OF DEADLINE FOR PYRO SPECTACULARS, INC. TO CONDUCT INITIAL PERCHLORATE INVESTIGATION AT FORMER BURN PIT – 2250 WEST LOWELL STREET, RIALTO, SAN BERNARDINO COUNTY

Dear Mr. Benshoof:

We are in receipt of your letter of June 24, 2004, in which you assert that, during a May 24, 2004 meeting with Board staff, I granted an "open extension" to the June 14, 2004 compliance deadline for Pyro Spectaculars, Inc. to submit a final report of the investigation at the above-referenced burn pit. The June 14 deadline was established by the Executive Officer, and the investigation was required pursuant to a directive issued by the Executive Officer. No time extension was granted at this meeting, or at any subsequent time. Any such modification would require written authorization by the Executive Officer.

Further, we note for the record that at the time of the May 24, 2004, meeting, Pyro Spectaculars had not initiated the fieldwork necessary to complete the burn pit investigation. Given the time necessary to complete fieldwork, laboratory analyses, and a final report, Pyro Spectaculars obviously had no intention of complying with the June 14 deadline, irrespective of the outcome of our discussions at the May 24 meeting. In addition, during the meeting you asserted that Pyro Spectaculars lacks the financial resources to simultaneously complete the burn pit investigation and the investigation of the Astro Pyrotechnics site required by Cleanup and Abatement Order No. R8-2004-0042. To date, Pyro Spectaculars has not submitted any substantiation of its various claims of a lack of resources, in spite of our invitations to do so.

California Environmental Protection Agency

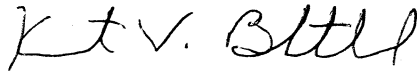
July 7, 2004

This letter will confirm that your client, Pyro Spectaculars, Inc., remains in violation of the Investigation Order that was issued on November 6, 2002 by the Board's Executive Officer, pursuant to Section 13267 of the California Water Code. In addition, your client is subject to issuance of an administrative civil liability assessment in the amount of up to \$1,000 per day beyond the June 14, 2004 deadline, for failure to submit the required investigation report. We do not intend to issue an administrative civil liability complaint at this time, however, pending completion of our review of your June 14 submittal.

This letter will also serve to correct a typographical error in our previous letter. The date in paragraph 3 of the June 23, 2004 Notice of Violation should have been June 14, 2004.

If you have any questions, please contact Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904, or you may call me at (909) 782-3286.

Sincerely,



Kurt V. Berchtold
Assistant Executive Officer

cc: Jorge Leon, SWRCB, Office of Chief Counsel
Wayne Praskins, U.S. EPA, Region 9
James Souza & Gary Brown, Pyro Spectaculars, Inc.
Richard Orr, Kleinfelder
Jerry Cowden, Rialto Concrete Products, Inc.
Ken Thompson, KTI
Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

AES: 2001-04 Rialto perchlorate/13267/pyroburnpit NOV2

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